

**IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO**

KATE RATH,	:	APPEAL NO. C-150001
	:	TRIAL NO. SK-1401024
Petitioner-Appellee,	:	
vs.	:	<i>JUDGMENT ENTRY.</i>
STEPHANIE MARTIN,	:	
Respondent-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* S.Ct.R.Rep.Op. 2; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

Respondent-appellant Stephanie Martin appeals from the Hamilton County Court of Common Pleas' December 19, 2014 entry granting a civil stalking protection order ("CSPO"), against her in favor of petitioner-appellee Kate Rath, on behalf of herself, her husband, Terry Rath, and her minor two daughters.

Martin and Terry Rath had a brief affair. Since the affair, Martin, now residing in Florida, has continued to harass the Rath family by placing threatening postings on various Internet sites including Facebook, and by contacting their employers and the children's schools. Martin also sought to extort money from the Rathes. The Rathes obtained a protection order in 2006.

In light of Martin's continued harassment, in October 2014, Kate Rath, a resident of Hamilton County, Ohio filed a petition for a new CSPO, under R.C. 2903.214. The trial court issued an ex parte protection order. Because of difficulties in assuring that Martin had been provided with notice of the ex parte order, a full hearing on the petition was continued until December 19, 2014. On that date, the trial court held a full hearing at which Kate and Terry Rath appeared. Despite having been served personally with notice of the hearing, and having filed various pretrial motions with the trial court seeking dismissal of the petition, Martin did not appear at the hearing.

Following the full hearing, the trial court found that Martin had knowingly engaged in a pattern of conduct that had caused Rath great emotional distress and fear for her family's safety, and it issued a protection order against Martin. Martin filed a timely notice of appeal from that order. *See* R.C. 2903.214(G) (the granting of a protection order is a final, appealable order).

In her second assignment of error, Martin argues that she did not receive notice of the December 19, 2014 hearing on the protection order. The record certified for our review reveals that several attempts were made to provide Martin with notice of the full hearing. It is clear that on December 1, 2014, Martin was served personally by the Broward County, Florida Sheriff's Office. She was provided notice that a full hearing was to be held on the matter on December 19. Moreover, Martin's various communications with the trial court reflect that she had actual notice of the December hearing against her in Ohio. Since the trial court provided Martin "notice of, and an opportunity to be heard at, the full hearing" as required by R.C. 2903.214(D)(2)(a), the second assignment of error is overruled.

In her first assignment of error, Martin asserts that the trial court's protection order was based upon false evidence adduced from the Raths and was not otherwise supported by evidence in the record.

But Martin has not provided a transcript of the proceedings before the trial court. As the appellant, it is Martin's burden to ensure that the record contains all that is necessary for the reviewing court to determine the appeal. *See Knapp v. Edwards Laboratories*, 61 Ohio St.2d 197, 199, 400 N.E.2d 384 (1980). When the alleged error is that the trial court's judgment was unsupported by the evidence, the appellant must include in the record all portions of the transcript of the proceedings relevant to the contested issue. *See App.R. 9(B)(4); see also Hartt v. Munobe*, 67 Ohio St.3d 3, 7, 615 N.E.2d 617 (1993). Without a transcript of the proceedings in this case, we have "no choice but to presume the validity of the lower court's proceedings, and affirm." *Knapp* at 199; *see Lyons v. Kindell*, 2015-Ohio-1709, 35 N.E.3d 7, ¶ 42 (1st Dist.). Consequently, we overrule the first assignment of error.

Therefore, the trial court's December 19, 2014 order is affirmed.

Further, a certified copy of this judgment entry shall constitute the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

HENDON, P.J., CUNNINGHAM and STAUTBERG, JJ.

To the clerk:

Enter upon the journal of the court on March 30, 2016

per order of the court _____.
Presiding Judge